

23-2156

IN THE
**United States Court of Appeals
for the Fourth Circuit**

Richmond, Virginia

ANDREW U. D. STRAW,)	
<i>Appellant-Plaintiff, Pro Se,</i>)	
)	
v.)	
)	CAMP LEJEUNE JUSTICE ACT
UNITED STATES,)	
<i>Appellee-Defendant.</i>)	ORAL ARG. NOT REQUESTED

Appeal from the United States District Court for
the Eastern District of North Carolina, Southern Division
Case No. 7:23-cv-00162-BO-BM
The Honorable Judge Terrence W. Boyle

NOTICE OF APPELLEE FAILURES TO RESPOND TO APPELLANT BRIEF
AND PENDING MOTION FOR "FULL RELIEF"



s/ ANDREW U. D. STRAW
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SERVICE BY EMAIL (ENOTICE) PREFERRED

I, *Appellant* Andrew U. D. Straw, make this NOTICE OF FAILURE TO RESPOND:

1. This Court granted me *IFP* status for this interlocutory appeal, 23-2156, [Dkt. 8](#) here, on **11/2/2023**.

APPELLEE FAILURE TO BRIEF HERE

2. I E-filed my opening brief as appellant on **November 2, 2023**. [Dkt. 7-1](#).
3. The briefing order provided **14 days** to file an appellee responsive brief after my service of my opening brief. I served my opening brief via U.S. Mail on **November 3, 2023**, and the appellee actually received it on **November 7, 2023**. [Dkt. 19](#).
4. The deadline for filing an appellee brief was thus at the very latest on **November 21, 2023**, yesterday, when appellee had actual notice of this appeal 14 days earlier. The more likely deadline was **November 17, 2023**, 14 days after I mailed the opening brief via U.S. Mail on **November 3, 2023**.
5. In either case, today is **November 22, 2023**, a Wednesday that is not a holiday.
6. The appellee had actual notice of this appeal but *chose* not to oppose my appeal, *choose* not to send one of its counsel to *appear* or say *anything*.
7. **Why?**
8. Because I ask for justice under the Camp LeJeune Justice Act of 2022 and I am eligible from my demonstrated ([Dkt. 9-1](#)) **583 days of Camp LeJeune exposure, 1968-1970**, and injuries, **many, many injuries** from those toxins. There is simply no argument against what I seek.
9. That is why DOJ presents no opposition.

10. That is why the trial judge could not muster a single factual finding against me (Dkts. [59](#) & [65](#)) or any legal argument to deny me besides **arbitrarily saying NO to me.**

FAILURE TO RESPOND TO MY MOTION ON APPEAL

11. I made a motion in this appeal ([Dkt. 24](#)) to direct the Court below to force the defendant to **offer victims exactly what they claim** in their required USN JAG claim forms under CLJA, including me.

12. I served that motion via U.S. Mail on the same day ([11/11/2023](#)) to the appellee.

13. Thus, the appellee by counsel had 10 days under [FRAP Rule 27\(a\)\(3\)\(A\)](#) to respond.

14. Like with my opening brief, the appellee was fully aware of this motion and served via U.S. Mail, and aware of this appeal generally. [Dkt. 19](#).

15. Instead of responding to my motion, the government has answered the Master Complaint in the consolidated case and demanded that these administrative amounts are **the most anyone can receive**. (7:23-cv-897, [Dkt. 50](#), page 50; also denying jury trial right on page 49). On the same day, the government asserted a motion to strike so that no jury trial right exists for any of these nearly 130,000 victims with CLJA claims. (7:23-cv-897, Dkts. [51](#), [51-1](#), [51-2](#)).

16. These positions provide the precise moment when every victim should be offered exactly what they asked to the Navy, since DOJ says no more can be provided and if the Court below agrees, there will be **no jury trials** and damages will be determined by **judges as a matter of law**.

WHEREFORE, my appeal should be granted with respect to the denial ORDERS at Dkts. 56, 57-4, and 58 because no response has happened and the orders at Dkts. 59 & 65 failed as matters of fact AND law. Same with my Dkt. 24 motion here: it was not opposed by the appellee. Moreover, given there was no opposition to my *IFP* application below and with two (2) grants of *IFP* by the Fourth Circuit in 2023 to me, my motion at Dkt. 31 should be granted summarily.

I, Andrew U. D. Straw, verify that the statements above are true and correct on penalty of perjury and on my honor as a member of the bar of this Court, active in good standing for 24 years, 1999-2023.

Signed this 22nd day of November, 2023



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CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, hereby certify that on the date set forth below, I electronically filed the foregoing **NOTICE** with the Clerk of Court using the CM/ECF system, which will serve the attached on all counsel of record. The government should be obliged to review the docket and appear and accept CM/ECF service now that I have made it aware of this appeal. *See, Dkt. 19.*

Nonetheless, I also mailed on the below date a copy of this document via U.S. Mail, First Class and Postage Prepaid, to the appellee at: P.O. Box 340, Ben Franklin Station, Washington, DC 20044-0340

Dated this 22nd day of November, 2023



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